

Holland+Knight

Tel 301 654 7800
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Exhibit No. 68
Zoning Ordinance Rewrite
PH Dates: 6/16 & 6/30/08
Bethesda, MD 20814-6337
www.hklaw.com

Patricia A. Harris
301 215 6613
patricia.harris@hklaw.com

Christopher M. Ruhlen
301 664 7615
chris.ruhlen@hklaw.com

JUL 25, 2008

VIA ELECTRONIC MAIL AND FIRST CLASS MAIL

The Honorable Susan R. Hoffmann, Mayor
and Members of the City Council
City of Rockville
111 Maryland Avenue
Rockville, Maryland 20850

Re: Rockville Zoning Ordinance Revision ("RORZOR")

Dear Mayor Hoffman and Members of the Rockville City Council:

We are submitting this letter on behalf of the JBG Companies to express concerns with certain inconsistencies in the May 21, 2008 version of the Planning Commission Recommended Draft Zoning Ordinance (the "Planning Commission Draft") related to parking requirements for the Mixed Use Transit District ("MXTD") Zone. More specifically, we are providing this letter for your consideration and for inclusion with the public record to note the following:

1. Permitted Streetfront Parking for Ground Floor Retail: Section 25.16.02.b.3 of the Planning Commission Draft prohibits parking between front building lines and front lot lines in the MXTD Zone unless a waiver from the relevant approving authority has been obtained. However, Section 25.13.07.a.6 (which provides special design regulations for the MXTD Zone) was revised during the course of the RORZOR process to allow parking in front of buildings that contain ground floor retail uses. Section 25.16.02.b.3, as currently drafted, conflicts with this design regulation and we would recommend that it be revised to clarify that streetfront parking is permitted in connection with ground-floor retail uses in the MXTD Zone.
2. Minimum and Maximum Parking Requirements: Section 25.16.03.e limits the maximum number of parking spaces that may be provided in connection with particular land uses in the MXTD or Mixed Use Corridor District ("MXCD") Zones to those minimum amounts required by Section 25.16.03.c (the "Table of Space Requirements"). In other words, the Planning Commission Draft restricts the amount of parking for uses in these zones but absent further clarification appears to simultaneously *require* that these minimum amounts be provided. While limiting the development of new parking spaces on properties located in close proximity to Metrorail furthers the objective of encouraging mass transit use

Mayor Hoffman and Members of the Rockville City Council
July 24, 2008
Page 2

in the MXTD and MXCD Zones and is consistent with the Planning Commission's determination, requiring these maximum amounts to be provided is not consistent with the Planning Commission's intent to reduce parking in such areas. We would recommend that Section 25.16.03.e be revised to clarify that the number of parking spaces required by the Table of Space Requirements operates as a maximum but *not* a minimum in the MXTD and MXCD Zones.

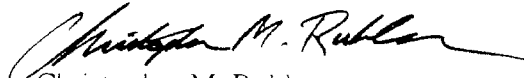
We thank you for the opportunity to share our concerns regarding the above and look forward to further discussion on these items by the Mayor and Council. We hope that you will not hesitate to contact us should you have any questions or require additional information.

Very truly yours,

HOLLAND & KNIGHT LLP



Patricia A. Harris



Christopher M. Ruhlen

cc: Ms. Susan Swift
Mr. R. James Wasilak



EXHIBIT No. 69
Zoning Ordinance Rewrite
PH Dates: 6/16 & 6/30/08
2008 JUL 25 PM 5:12

City of Rockville

MEMORANDUM

July 24, 2008

TO: Mayor and Council

FROM: Recreation and Park Advisory Board

SUBJECT: Placing Schools Located in Rockville in the New Park Zone

At our meeting of July 24, 2008 the Recreation and Park Advisory Board voted to recommend to the Mayor and Council to support the recommendation of the Planning Commission to place all Rockville schools and undeveloped future school sites in the newly-created Park Zone. The vote was 4 in favor, 3 against.

cc: Scott Ullery, City Manager
Catherine Tuck Parrish, Deputy City Manager
Burt Hall, Director of Recreation and Parks
Susan Swift, Director of Community Planning and Development Services



Exhibit No. 70
Zoning Ordinance Rewrite
PH Dates: 6/16 & 6/30/08

July 25, 2008

The Honorable Mayor Hoffman
Members of the City Council
City of Rockville
111 Maryland Avenue
Rockville, MD 20850

Re: Little Lodge – Home Based Business in an Accessory Building in an Historic Zone

Dear Honorable Mayor and Distinguished Members of the City Council:

As mentioned to you at the Citizens Forum approximately three or four weeks ago, we have a contract on the Little Lodge from a well-known photographer who wants us to rehabilitate, renovate and restore the Little Lodge and rebuild the historic Stable so that he can use the Stable as a 2 or 3 car garage plus have his photography studio on the first floor. The second floor will be for processing film and digital pictures for his clients as well as his office.

We fully understand that, in the new Zoning Ordinance, home-based businesses are allowed in accessory buildings and, as mentioned to you in the Citizens Forum, former Mayor Giammo recommended we find a buyer who could utilize the Stable for a home-based business in order to preserve and maintain the structure on a long term basis. During the course of our hearings with the Historic District Commission, the Planning Commission and the Mayor and City Council, the use of the Stable as an art studio, photography studio or similar use was acceptable and, for whatever reason or oversight, the allowable use of the Stable was never entered into the records in a formal vote. Due to this fact, our buyer needs to have the assurance that he will be able to use a portion of the Stable for a home-based business namely his photography studio.

Upon the suggestion of Sondra Block and Jim Wasilak, we brought the issue to the Planning Commission several months ago and they elected to take a straw vote on whether the Stable could be used for a home-based business and the prohibition for a home-based business in an accessory building would either be waived or included in the new Zoning Ordinance as a permitted use. The straw vote at the Planning Commission, approximately one month before we made our presentation to the Mayor and City Council, unanimously approved the home-based business use in the new Stable (accessory building) and the buyer was present for this straw vote.

We were led to believe that the Mayor and City Council would be voting on the new Zoning Ordinance on August 4, however, we now understand that the vote will probably be delayed until sometime in September. This presents a problem in the sense that the Photographer, our buyer,

7979 Old Georgetown Road, Suite 800, Bethesda, Maryland 20814

p: 301.654.7041 f: 301.656.0625 www.chasecommunities.net

A Division of Chase Residential Development Company, Inc. d/b/a Chase Communities

Honorable Mayor and Council
July 25, 2008
Page 2

is currently leasing a facility for his business and has to make a decision on whether to renew the lease or give the landlord six months' notice that he is vacating the premises. He does not want to give notice without knowing that he has permission to put his home-based business in the Stable otherwise he would not acquire the Little Lodge. The best thing for the buyer is to acquire the Little Lodge property, including the Stable, and have a home-based business in a historic setting such as exists at the Little Lodge. If the Mayor and City Council would take a straw vote stating that either the provision will remain in the Zoning Ordinance allowing a home-based business in an accessory building or provide, in writing, a definitive statement that a home-based business such as a photographic lab and studio is an allowable use of the Stable which is an accessory building to the Little Lodge, then it would probably satisfy his contingency in the contract. It was the suggestion of Councilmember Gajewski that, in the event the Mayor and City Council were not going to take a final vote on August 4, he would recommend a straw vote which hopefully will satisfy the buyer for the Little Lodge and all the straw vote has to state is that the Mayor and City Council find no problem that the Stable (an accessory building) be allowed to be used as a home-based business.

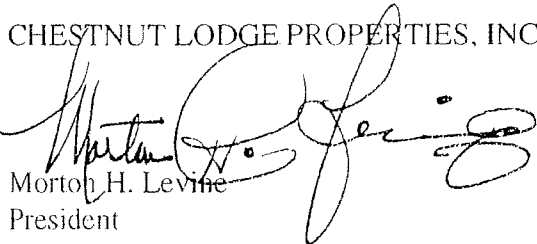
We would not press for this straw vote unless we were in dire need of having some indication that this Zoning Ordinance will be approved allowing home-based businesses in accessory buildings especially in an historic zone unless it were necessary. Our fear is that if we do not get something assuring the buyer that the Stable can be used for a home-based business, he will renew his lease and we would lose his contract. A photography studio and lab for a portion of the Stable is a perfect use for the accessory building to the Little Lodge.

Your cooperation in giving some type of assurance would be greatly appreciated.

Thank you for your consideration in this matter.

Very truly yours,

CHESTNUT LODGE PROPERTIES, INC.



Morton H. Levine
President

Cc: Mr. Scott Ullery
Mr. Jim Wasilak
Ms. Deane Mellander
Sondra Block, Esquire
Soo Lee-Cho, Esquire

Piotr Gajewski/RKV
07/29/2008 07:41 AM

To "Soo Lee-Cho" <SLCho@mmcanby.com>
"arobbins@rockvillemd.gov"
cc <'arobbins@rockvillemd.gov'>,
"pgajewski@rockvillemd.gov"
bcc
Subject Re: Chestnut Lodge - Stable Re-use - Zoning Ordinance
provision re home based businesses in accessory
structures

Dear Council Colleagues,

On Wednesday, could we please take a moment to affirm our commitment to 25.09.07 (see below) in order to allow the owner of Chestnut Lodge to proceed with his sale as planned? I think that we have a general agreement on the issue.

Perhaps we could take care of this early in the meeting.

Piotr Gajewski
Councilmember
City of Rockville
Rockville, MD 20850
240-314-8294
"Soo Lee-Cho" <SLCho@mmcanby.com>



"Soo Lee-Cho"
<SLCho@mmcanby.com>
07/28/2008 03:09 PM

To "shoffmann@rockvillemd.gov"
<'shoffmann@rockvillemd.gov'>,
<jbritton@rockvillemd.gov>,
"pgajewski@rockvillemd.gov"
cc <'pgajewski@rockvillemd.gov'>,
"pmaruccio@rockvillemd.gov"
<'pmaruccio@rockvillemd.gov'>,
"arobbins@rockvillemd.gov"
<'arobbins@rockvillemd.gov'>
<Sullery@rockvillemd.gov>,
<JWasilak@rockvillemd.gov>,
<DMellander@rockvillemd.gov>,
<SBlock@rockvillemd.gov>,
<mlevine@chasecommunities.net>, "Vickie Jackson"
<vjackson@chasecommunities.net>,
<BBean@rockvillemd.gov>
Subject Chestnut Lodge - Stable Re-use - Zoning Ordinance
provision re home based businesses in accessory
structures

Dear Madam Mayor and Members of the Council:

On behalf of the owners/developers of the Chestnut Lodge property, please see attached letter requesting confirmation of the Mayor and Council's support for the Planning Commission's recommended home based business provisions found in Section 25.09.07 of the Draft Zoning Ordinance. The provisions in that Section would allow such uses in accessory structures without a square footage limitation, which the owners/developers of Chestnut Lodge fully support. For reasons stated in the letter, the

owners/developers need a straw vote by the Mayor and Council on this specific issue **prior to the August recess** in order to fulfill a contract contingency relative to the Stable (accessory structure to the Little Lodge residence at Chestnut Lodge). Although the subject of home based businesses was discussed in depth at the Mayor and Council's worksession on Saturday, July 19th and the Mayor and Council's support for these provisions could be implied from your general discussions, a straw vote on this specific issue was not taken up such that the contract contingency relative to the Stable could be deemed to be satisfied.

We request that this matter be added to the list of public testimony comments such that it can be specifically addressed by the Mayor and Council at one of its remaining worksessions on the Draft Zoning Ordinance.

Thank you for your consideration of this request. Hardcopies of the attached will be sent via regular mail.

Sincerely,

Soo Lee-Cho
Miller, Miller & Canby
200-B Monroe Street
Rockville, MD 20850



(301) 762-5212 Ltr to M&C re home based business in Stable 7-28-08.pdf

MILES & STOCKBRIDGE P.C.

Exhibit No. 71
Zoning Ordinance Rewrite
PH Dates: 6/16 & 6/30/08

Stephen J. Orens
301-517-4828
sorens@milesstockbridge.com

July 29, 2008

Via Hand Delivery

The Honorable Susan R. Hoffmann, Mayor
And City Council Members
Rockville City Hall
111 Maryland Avenue
Rockville, MD 20850

2008 JUL 29 PM 3:40
CITY OF ROCKVILLE OFFICE

Re: City of Rockville Comprehensive Map Amendment MAP 2007-00101
Recommended Changes to 606 S. Stonestreet Avenue

Dear Mayor Hoffmann:

On behalf of John J. Fitzgerald, Jr., the owner of a small, neighborhood shopping center located at 606 S. Stonestreet Avenue, I respectfully request that the City of Rockville not rezone this property to the R-60 zone as has been recently recommended to you by the Planning Commission. This recommendation by the Planning Commission violates the intent of the March 2004, East Rockville Neighborhood Plan. The correct zoning reclassification should be MXB as is being considered for other commercial/industrial properties on South Stonestreet.

The property is a .59 acre site at the corner of South Stonestreet Avenue and Reading Avenue. The commercial center is occupied by a Chinese take out restaurant, a catering facility and a convenience store that sells beer and wine. Mr. Fitzgerald has owned this property since the early 1990's.

The down zoning recommendation from the Planning Commission is not in conformity with the East Rockville Master Plan which states:

Allow existing businesses in the Stonestreet Avenue corridor to continue operating, while encouraging upgrades to existing structures and sites to meet the intent of the Plan. Page 16

Buffer the homes adjacent and along the east side of the commercial section of Stonestreet Boulevard, with landscaped transition areas of grass, trees, shrubs and fencing in order to insulate these homes from noise and activity. These transition areas should be provided on the nonresidential properties. Page 23

The Hon. Susan R. Hoffmann
Via Hand Delivery
July 29, 2008
Page 2

MILES & STOCKBRIDGE P.C.

The Planning Area contains three properties that provide local commercial retail. Two of these properties are located in the C-1 (Local Commercial) Zone: the property at the corner of South Stonestreet Avenue and Reading Avenue that contains a store and carry-out, and the Maryvale Center, which contains a convenience store, barber shop and carry-out restaurants. There have been many strong complaints about alcohol sales for off-premise consumption, loitering and other issues relating to these operations. While this activity is unacceptable, the plan encourages a limited amount of commercial development to provide convenience retail services for the community. The Plan further recommends that the existing zoned commercial areas not be allowed to expand their land area and that the properties be in compliance with the property maintenance code to minimize conflicts with the surrounding residential community. Page 33

Mr. Fitzgerald has never been informed about complaints concerning any of his tenants on South Stonestreet. A search of the City records did not reveal any police incident report, code violation, building violation or any notification to anyone of the City's concerns, as recited in the East Rockville Master Plan. We are not aware of any community concerns. Our property manager spoke to the President of the East Rockville Citizen's Association about one month ago and Perry Berman has advised me that he is informed that neither East Rockville's nor Lincoln Park's civic association requested the rezoning of Mr. Fitzgerald's property to the R-60 zone.. The East Rockville Association president indicated that the zoning change proposal did not come from her association and she personally liked having the center there. As a result of that conversation we are replacing soffit, gutters and other improvements and plan more in the future. Mr. Fitzgerald stands ready to work with the community to resolve any loitering or other issues associated with the operation of his tenants businesses. No one has ever contracted him about the Neighborhood Plan.

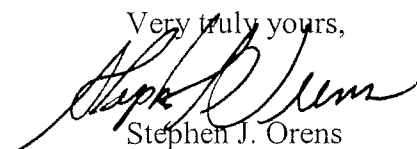
If the center needs to be improved, making the center a non-conforming use in a residential zone, increases the difficulty of accomplishing improvements. The community needs a neighborhood commercial center within walking distance. We stand ready to work with city and community to carry out the goals of the March 2004 neighborhood plan.

Finally, Mr. Fitzgerald's first notification of this recommendation was July 10, 2008 letter from Mr. James Wasilak. We believe this short period to respond is unacceptable for matter of this importance to us and the community.

Please include this letter in the record of your proceedings.

Thank you for your consideration.

Very truly yours,



Stephen J. Orens

The Hon. Susan R. Hoffmann
Via Hand Delivery
July 29, 2008
Page 3

MILES & STOCKBRIDGE P.C.

cc: Council Member John Britton
Council Member Piotr Gajewski
Council Member Phyllis Marcuccio
Council Member Anne M. Robbins
Jack Fitzgerald
Sandra Block, Esq.
Susan Swift
James Wasilak
Perry Berman
Larry Gordon, Esq.

2008 JUL 31 AM 9:37

Stephen J. Orens
301-517-4828
sorens@milesstockbridge.com

July 30, 2008

The Honorable Susan R. Hoffman, Mayor
The Honorable Members of the Rockville City Council
Rockville City Hall
111 Maryland Avenue
Rockville, MD 20850

Re: City of Rockville Comprehensive Map Amendment MAP 2007-00101
Recommended Changes to 606 South Stonestreet Avenue

Dear Mayor Hoffman and Councilmembers:

We have recently written to you on behalf of our client, John J. Fitzgerald, Jr., the owner of the commercial property located at the corner of South Stonestreet Avenue and Reading Avenue. The Rockville Planning Commission has recommended that Mr. Fitzgerald's property be down-zoned from the current C-1 zone to the residential R-60 zone. If the Mayor and City Council approves that down-zoning the existing uses will be rendered non-conforming. As stated in our previous letter, Mr. Fitzgerald was totally unaware of this down-zoning proposal for the South Stonestreet Avenue property until he received a letter from James Wasilak, the Chief of Planning on Saturday July 12, 2008.

We have reviewed the available public records regarding the proposed Comprehensive Map Amendment, Map2007-00101, and have found nothing in that record that would support the proposed down-zoning of this longstanding commercial property.

The C-1 zoned commercial property at the corner of South Stonestreet Avenue and Reading Avenue was addressed in the 2004 East Rockville Neighborhood Plan. While noting that there had been complaints about unacceptable behavior in the vicinity prior to the adoption of the 2004 Neighborhood Plan "encourages a limited amount of commercial development to provide convenient retail services for the community." That plan supports the C-1 Zone for this property.

The East Rockville Plan includes recommendations for the rezoning of specific parcels of land. The Fitzgerald Property at South Stonestreet and Reading Avenues is not recommended for rezoning by the 2004 plan or for that matter, by any other plan or study.

Map Amendment, Map2007-00101, is stated to be a comprehensive rezoning. Every comprehensive rezoning must be "the product of careful study and consideration." *Anderson*

House, LLC v. Mayor and City Council of Rockville, 939 A.2d 116, 127 (2008). This proposed down-zoning is not the product of careful study and consideration and is inconsistent with both the East Rockville Plan and the “Proposed Draft Comprehensive Map Amendment” presented by the Representatives of Rockville Zoning Ordinance Review Committee (“RORZOR”). RORZOR recommended the continuation of the existing commercial zoning for the South Stonestreet Avenue and Reading Avenue property.

At some point in the review process, without any supporting testimony, or written statement in the record, the RORZOR recommendation for this single property was abandoned and the City Planning Commission, apparently at its April 24, 2008 meeting, voted to recommend that Mr. Fitzgerald’s property be down-zoned to the R-60 classification. The fact that Planning Commission minutes are not yet available hindered our review of the discussion that gave rise to the recommendation.

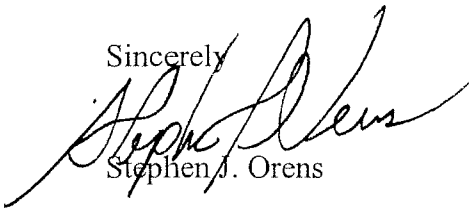
It appears, however, from what we have been able to review that the Planning Commission focused on this property during its review and this property was then singled out for down-zoning in April 2008. Notwithstanding the individualized focus on this single property, Mr. Fitzgerald was not given notice of the proposed down-zoning and was not given prior notice of the public hearings held by the Mayor and City Council on June 16 and June 30, 2008 at which time the proposed down-zoning of this single property was considered. Mr. Fitzgerald was denied the opportunity to effectively participate in a process that focused on his property.

On July 12, 2008 Mr. Fitzgerald was informed by Mr. Wasilak that the “record of the public hearing has been held open until close of business on Wednesday, July 16, 2008” for him to submit testimony. Mr. Fitzgerald received that notice the following Saturday, July 12 and had only two business days in which to engage consultants, conduct studies and prepare and submit testimony to oppose this down-zoning. An impossible task.

Down-zoning Mr. Fitzgerald’s property is not a comprehensive zoning action – it is a focused rezoning aimed at a single property. Mr. Fitzgerald has been denied due process as required by Article 66B of the Maryland Code Annotated, by the Court of Appeals in *Mayor and Council of Rockville v. Woodmont Country Club*, 705 A.2d.301 (1998) and more recently by the appellate decision in *Overpak v. Mayor and City Council of Baltimore*, 909 A.3d 235 (2006).

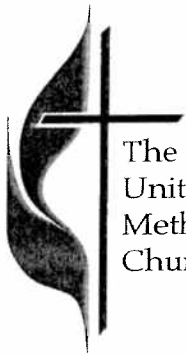
We urge the Mayor and council to reject the unstudied and unsupported Planning Commission recommendation and retain the C-1 zoning for the Fitzgerald Property.

Sincerely,



Stephen J. Orens

Cc: John J. Fitzgerald



The
United
Methodist
Church

Rockville United Methodist Church

Exhibit No. 74

Zoning Ordinance Rewrite

PH Dates: 6/16 & 6/30/08

Routed To:

☒ Council

☐ City Clerk

☒ City Manager

☐ City Attorney

☐ Council Support Specialist

☒ Other Susan Swift

Jim Wasilata

Dean Mellander

July 30, 2008

RECEIVED
CITY CLERK'S OFFICE
JUL 31 - 4 11 10: 58

The Honorable Mayor Susan Hoffmann
Rockville City Council
111 Maryland Avenue
Rockville, Maryland 20850

Re: Public Comment on TXT2007-00219
And Map Amendment MAP2007-00101

Dear Mayor and Members of the City Council:

The purpose of this letter is to indicate the property owner's support of the proposed zoning of **111 West Jefferson Street to MXT (Mixed Use Transitional)**.

111 West Jefferson is the former Parsonage fronting directly on West Jefferson Street of the Rockville United Methodist Church. The **MXT** zone is consistent with the property's long history of similar zoning categories and uses (currently CT – Commercial Transitional) as well as the recommended MXT zoning and existing small scale commercial uses of adjoining and confronting properties.

Please include this letter of support in the record.

ROCKVILLE UNITED METHODIST CHURCH

By R. Kay Barger
Reverend Kay Barger, Pastor
112 West Jefferson Street
Rockville, MD 20850

Routed To:

☒ Council

☐ City Clerk

☒ City Manager



Nancy Regelin
<nregelin@srgpe.com>

08/04/2008 02:27 PM

☐ City Attorney

☐ Council Support Specialist

☒ Other *Susan Swift*

Jim Wasilak Dean Mellander

To <mayorcouncil@rockvillemd.gov>,
<DMellander@rockvillemd.gov>,
<JWasilak@rockvillemd.gov>

cc "David S. Wachen" <dwachen@srgpe.com>,
<snorwitz@scottgroupmgt.com>

bcc

Subject Rezoning 110 N Washington Street

Exhibit No. 75

Zoning Ordinance Rewrite

PH Dates: 6/16 & 6/30/08

Mayor and Council:

I just wanted to make sure that consideration is given this evening to the request of the Scott Group for the MXB zone for 110 North Washington Street as a more appropriate zone for the existing office building. I've attached a copy of Mr. Norwitz's previously submitted testimony.

Thank you.

Nancy Regelin

Nancy P. Regelin, Esquire

SHULMAN ROGERS GANDAL PORDY & ECKER, P.A.

11921 Rockville Pike #300

Rockville, Maryland 20852

301-230-5224 office direct

301-230-5200 office main

301-230-2891 facsimile

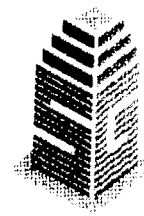
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www.shulmanrogers.com

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(LawFirm@srgpe.com). Thank you. 110NWashingtonRezoning Letter final pdf.pdf



The Scott Group, Inc.

June 30, 2008

The Honorable Mayor Susan Hoffmann
Rockville City Council
111 Maryland Avenue
Rockville, Maryland 20850

Re: Public Comment on TXT2007-00219
And Map Amendment MAP2007-00101

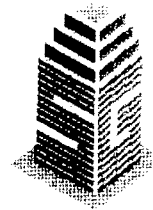
Dear Mayor and Members of the City Council:

The purpose of this letter is to **request a change in the recommended zoning category for 110 North Washington Street from MXNC (Mixed Use Neighborhood Commercial) to the more appropriate MXB (Mixed Use Business).**

The Scott Group is the owner of the office building at 110 North Washington Street. This 5-story office building is home to over 30 Rockville based businesses serving the Rockville residents and business community, and includes the "world" headquarters of The Scott Group itself.

Since the office building was built in 1985 it has remained a constant in a changing landscape in Town Center and is now bounded across North Washington Street by Block 2 of Rockville Town Center and the 11 North Washington Street office building, a transitional office multi-building complex to the rear on Adams Street and Woods Lane, and commercial development to the north and south. The zoning on this property has changed with each new adopted master plan and is currently TC-1, formerly TCO-1, formerly C-2.

Because 110 North Washington is located on the west side of North Washington Street in a corridor of primarily low rise retail development, it has been included in a blanket recommended zone for the entire west side of North Washington Street of MXNC (Mixed Use Neighborhood Commercial), a zone designed for "*local retail and service uses ... and specifically not intended for major employment so office uses are limited*". However, 110 North Washington



The Scott Group, Inc.

Street is an existing 5 story office building whose primary function is office space for both large and small office tenants.

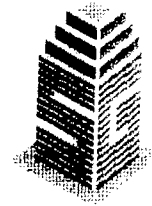
The MXNC zone is not an appropriate category with a limitation on "general and professional office" as a conditional use which prohibits any individual tenant space greater than 4,000 square feet and has an overall building height limitation of 45 feet. With floor plates of 12,000 square feet and individual tenants already well over the 4,000 square foot limit and wanting to expand their businesses in place, the MXNC zone is not appropriate for the 110 North Washington Street office building.

The MXB (Mixed Use Business) zone is a general business zone for "*areas convenient to both higher-density commercial zones and single unit detached residential uses.*" MXB permits a wide range of office, retail and commercial services as permitted uses, including "general and professional offices" without a tenant size limitation, and a building height limitation of 55 feet. The other development standards for the MXB zone generally conform to the existing building (except of course, the newly introduced Public Use Space requirement – although with the arcade this building might actually satisfy this new requirement in part).

Since the existing building was not constructed under the TC-1 zone put in place a few years ago which has a height limitation of 45 feet, it is questionable whether this property will be able to take advantage of the "Grandfather Clause" as currently written to protect existing buildings that comply with the zone in place just prior to the adoption of the new Zoning Ordinance. That is a flaw in the Grandfather Clause for buildings built before the last Map Amendment in 2005, constructed in conformance with their zones at the time of their original construction, and later rezoned to a completely different zone.


However, placing an appropriate zoning category on the property with this Map Amendment will work to ameliorate this flaw for this particular building. And importantly the right zoning category will respect the existing tenants doing business in Rockville who want to continue to grow their businesses in Town Center.

Thank you for your consideration of our request for a change in the recommended zoning category to MXB (Mixed Use Business) for 110 North Washington Street.



The Scott Group, Inc.

THE SCOTT GROUP

By 
Scott Norwitz
President

cc: Nancy Regelin, Esquire
David Wachen, Esquire

Routed To:
☒ Council
☐ City Clerk
☒ City Manager

☐ City Attorney
☐ Council Support Specialist
☒ Other Susan Swift

Exhibit No. 76
Zoning Ordinance Rewrite
PH Dates: 6/16 & 6/30/08

Jim Wasilak, Dean Mellander
LAW OFFICES



MILLER, MILLER & CANBY

CHARTERED

PATRICK C. McKEEVER (DC)
JAMES L. THOMPSON (DC)
LEWIS R. SCHUMANN
JODY S. KLINE
ELLEN S. WALKER
MAURY S. EPNER (DC)
JOSEPH P. SUNTUM
SUSAN W. CARTER

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GLENN M. ANDERSON (FL)
MICHAEL G. CAMPBELL (DC, VA)
SOO LEE-CHO (CA)
AMY C.H. GRASSO
CHRISTINE E. BUCKLEY

** All attorneys admitted in Maryland and where indicated*

SLCHO@MMCANBY.COM

August 4, 2008

Mayor and Council
Rockville City Hall
111 Maryland Avenue
Rockville, MD 20850

RE: Draft Zoning Ordinance;
Private Educational Institution Special Exception Provisions;
Comments re Section 25.15.02.g.

Dear Mayor Hoffman and Members of the Council:

I am writing on behalf of the Christ Episcopal School to briefly comment on the Draft Zoning Ordinance being considered by the City for adoption.

The additional requirements for private educational institution special exceptions in Section 25.15.02.g. appear to be, for the most part, identical to Section 25-356 of the City's current Zoning Ordinance, with the exception of one important clause that if not included would significantly impact the Christ Episcopal School's special exception.

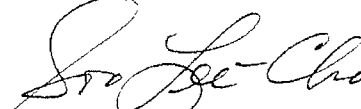
The City's current Zoning Ordinance in Section 25-356 states that certain additional special exception requirements apply "to private educational institutions, except for any private educational institution located on a lot or parcel that contains a church, synagogue, or other place of worship that is affiliated with the private educational institution." (Emphasis added.) The Planning Commission Draft Zoning Ordinance did not include the above underlined language in its corresponding Section 25.15.02.g. I understand from Staff that the omission was unintended and that they intend to make the correction in the final draft for adoption, but am writing for the record, to request that the language be included in the final adopted version of the new Zoning Ordinance.

As background, the Vestry of Prince George's Parish (also known as Christ Episcopal Church) is the sponsoring entity for the Christ Episcopal School which has operated a co-educational school for students in preschool through grade eight on the Vestry's property located on South Washington Street since 1966. More recently, in 2004, the Vestry and School obtained approval to expand the School's operations into the then-newly acquired 22 West Jefferson building. The above exception language in the City's current ordinance recognizes the fact that institutions such as the Christ Episcopal School exist on church property that pre-date the enactment of the special lot area and other dimensional requirements imposed on private educational institutions in Section 25-356, and should be carried forward into the new Zoning Ordinance.

Thank you for your consideration of these comments.

Sincerely yours,

MILLER, MILLER & CANBY



Soo Lee-Cho

cc: Bill Goetzenberger
Jonathon Triandafilou
Jody S. Kline, Esquire



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To <mayorcouncil@rockvillemd.gov>
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Subject Draft Zoning Ordinance: Christ Episcopal School - private
educational institution special exception



PLEASE SEE ATTACHED LETTER, Comment ltr re Draft Zoning Ordinance.pdf